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ONTARIO MINING ASSOCIATION

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FILE NO.

SUPPLEMENTARY BRIEF NO. 1 *and 2*
ON
THE ONTARIO WORKMEN'S COMPENSATION ACT
Submitted to
THE HONOURABLE, MR. JUSTICE GEORGE A. MCGILLIVRAY

October 18, 1966

Silicosis in Ontario

For almost 40 years silicosis has been a subject of major concern to the mining industry in this Province. The Ontario Mining Association, the Mines Accident Prevention Association, special committees within these Associations, the McIntyre Research Foundation, the Workmen's Compensation Board, the Department of Health, and the Department of Mines have worked individually and collectively to determine the steps to be taken and the precautions to be observed for the elimination and/or control of this occupational disease.

A major objective of the industry is to eliminate the causes of silicosis so that there will be no occupational hazard even if the individual workman is indifferent to those personal precautions which minimize the effects of exposure.

Of the numerous techniques and practices which have been developed for this purpose, the most noteworthy are:

1. Initial radiological examination to screen out physically susceptible applicants.
2. Development of rock drills and machines to minimize the creation of dust.
3. The ample use of water and water sprays to suppress dust.

4. The provision of ample mechanical means of ventilation for dust removal.
5. The use of aluminum prophylaxis.

It is a matter of interest that in this Province there are, on the average, more than 4 tons of fresh air used in mine ventilation for each ton of ore mined from underground. This is equivalent to about 10,000 cubic feet of air for each cubic foot of ore mined.

The attached Table 1 shows the number of silicosis cases recognized in Ontario between 1926 and 1965, with details as to (1) year of first exposure; (2) average employment in dust exposure occupations; (3) number of cases of silicosis; (4) cases per 1000 men employed.

The abrupt change in the incidence of silicosis starting with 1930 coincides with the introduction of radiological examination of the chest.

It is pointed out that although some new cases are being discovered each year in almost all year groups, the majority of cases occur in those groups whose initial exposure to dust pre-dates 1929, when compulsory certification was instituted.

Graph 1 shows the ages at death of silicotic miners and of all Ontario males over 30 years of age for the respective year groups, and indicates that disability from silicosis is not shortening normal life expectancy.

Recognition of the disease is difficult for the following reasons:

1. The number of doctors who have had sufficient experience to identify the disease are few.
2. Some persons appear to be more susceptible to exposure to dust than others.



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3. The length of time of exposure appears to be increasing.
4. The disease appears to continue to develop after removal from conditions of exposure.

Provisions in The Mining Act (Sec.167), The Workmen's Compensation Act (Sec.116), and practices of the Workmen's Compensation Board and of the Industry, have been designed to protect the interests of the workman in the light of these conditions. In summary these are:

1. In 1926 silicosis was recognized as a compensible occupational disease.
2. Commencing January 1, 1929, The Mining Act provided that an applicant for work in a dust exposure occupation was required to have a pre-employment medical examination including chest x-ray.

It also provided that an applicant be certified as free from disease of the respiratory organs and that a person employed in a dust exposure occupation have an annual re-examination.

3. Records of these examinations are maintained by the Workmen's Compensation Board.
4. In 1942 restrictions on the time limit for filing of claims was removed and in 1944 the minimum exposure period was reduced to two years.
5. At the end of 1957 the then Minister of Mines authorized a broad review of silicosis in Ontario. This review was conducted by Dr. John F. Paterson and was published on June 1, 1959 as, Bulletin 158, Ontario Department of Mines, "Silicosis in Hardrock Miners in Ontario".

Of the recommendations made in this report, many have been implemented and the remainder have been the subjects of study for adaption and application.

6. Dust exposure environment of the operating mines is surveyed semi-annually and summaries of the results are reported to the Chief Inspector of Mines for the Province. It is noteworthy that Ontario is the only known jurisdiction on this continent where such surveys are conducted on a routine basis.

The Industry is most conscious of its responsibility to improve and control dust exposure environments, and of its

liability to employees for disablement due to diseases resulting from dust exposure.

With respect to the control of dust exposure environments, the progress made by the industry is indicated by the trends shown in the attached chart and graph.

With respect to liability to employees for disablement, the industry contends that liability for compensation should be established on the best medical evidence available at any given time. In view of the fact that compensation awards are paid for by the industry the importance of medical evidence is particularly significant in relating causes of death to compensable disablement. In this connection the Ontario Mining Association recommends:

1. That a person filing a claim be required to show to the Workmen's Compensation Board, that the basis of the claim was due to dust exposure in Ontario.
2. That adjudication of a silicosis claim be based on medical evidence.
3. That liability for a death claim attributed to silicosis be determined pathologically by post-mortem examination.
4. That the ultimate authority as to medical opinion relating to silicosis be vested in the Silicosis Referee Board.

All of which is respectfully submitted.

C. P. Girdwood,
President

ONTARIO SILICOSIS CASES RECOGNIZED FROM 1926 to 1965

Period of first Exposure to dust	Average Employment in Dust Exposure Occupation	Number of Cases of Silicosis	Cases per 1000 men Employed during Period
Before 1900		57	
1900-1904	1,900	64	33.68
1905-1909	2,500	184	73.60
1910-1914	6,700	338	50.45
1915-1919	6,800	267	39.26
1920-1924	5,000	315	63.00
1925-1929	6,600	196	29.70
1930-1934	7,600	47	6.18
1935-1939	13,600	18	1.32
1940-1944	15,200	4	0.26
1945-1949	11,800	5	0.42
1950-1954	16,700	3	0.18
1955-1959	18,000	3	0.17
Total		1,501	

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AGES AT DEATH OF SILICOTIC MINERS AND OF ALL ONTARIO MALES OVER 30 YEARS OF AGE



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FILE NO.

SUPPLEMENTARY BRIEF NO. 2
ON
THE ONTARIO WORKMEN'S COMPENSATION ACT
Submitted to
THE HONOURABLE, MR. JUSTICE GEORGE A. MCGILLIVRAY

October 25, 1966

Accident Prevention Associations

Over the years the Mines Accident Prevention Association has worked closely with the Ontario Mining Association in providing an educational and counselling service to its members in matters relating to safety and mine ventilation. The effectiveness of this service is difficult to assess, because on-the-job safety is administered by the employer, and many factors, along with education, bear on each work situation. However, if the cumulative experience of the individual employers is taken as an index, the progressive decrease in the incidence of fatalities per million man hours worked, and as shown in the accompanying graph, indicates that the industry as a whole has improved its safety practices, and the decrease in the incidence of silicosis, as outlined in a previous submission, indicates that much has been accomplished in the fields of ventilation and dust control. Despite this progress, the industry is well aware that further improvement is required and it can give assurances that its efforts have not slackened.

The Directors of the Ontario Mining Association believe that the function of education cannot be combined with

the function of enforcement. Such combination would curtail the acceptability of Mines Accident Prevention Association staff to its members and hamper its ability to offer constructive educational comment or advice.

It is the opinion of the Directors of the Ontario Mining Association that if the duties or control of the Mines Accident Prevention Association were to be altered to the extent that the purpose for which it was organized would not be served, the Ontario Mining Association would consider creating and financing a body to continue the functions and the activities of the Directors and Staff of the Mines Accident Prevention Association in education in mine safety and mine ventilation.

All of which is respectfully submitted.

C. P. Girdwood
C. P. Girdwood, *E. A. P.*
President

Supp Brief #2

NUMBER OF FATALITIES PER MILLION MAN-HOURS WORKED

1.75
1.50
1.25
1.00
0.75
0.50
0.25
0

Number of Fatalities per Million Man-hours
worked by all Employees in Class 5
By Five-Year Periods - 1921 to 1965

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MINES ACCIDENT PREVENTION ASSOCIATION
OF ONTARIO COMMENCED OPERATION IN 1930

1901-1905
1911-1915
1921-1925
1931-1935
1941-1945
1951-1955
1961-1965



